



MINUTES
MAY 3, 2006

Review & Issue recommendation to the CT Siting Council for Application of Optasite Inc. for a Wireless Telecommunications Facility proposed to be located at 52 Stadley Rough Rd. *This hearing will only result in a recommendation to the CT Siting Council, as this matter is under their jurisdiction. The City has been invited to review and comment on this, although the ultimate decision will be made by the Siting Council.* BALLOON WILL BE LAUNCHED TO IDENTIFY PROPOSED LOCATION OF TOWER ON 5/3/06 BETWEEN 1PM & 7PM, WEATHER PERMITTING.

Attorney Lucia Chiochio from Cuddy & Feder and Jennifer Young Gaudet were present to explain this request.

Jennifer Young Gaudet representing Optasite, said the subject property is a five acre parcel that is the site of the Candlewood Baptist Church. She said most of the lot is cleared but there is some wooded space in the rear of the parcel. Optasite has leased a 50 x90 fenced compound and has offered the City the option to use it. They have two carriers committed: T-Mobile and Nextel. These carriers have proven a gap in coverage including much of southern portion of Candlewood Lake due to the increase in usage of cellular devices. They have not yet applied to the Siting Council. A notice will be published in the newspaper and the City will be provided with copies of the plan. They have become aware that this site is much closer in proximity to a new house, so they have worked out a plan to move it closer to the church. Mr. Keller asked what happened with the balloon simulation. She explained that due to "iffy" weather they have been unable to locate the balloon on the site so the engineering firm could produce the simulation. Mr. Urice said he was there today at 5PM and the alternate site is in the middle of a playground. Ms. Gaudet said they are still working with the Church to determine an alternate site. Photographs were submitted as Exhibit A. She said the first proposed location appears to be 80 feet from the property line. The second is approximately 225-250 feet from the property line. She said she would address the comments from the Planning Department. One, they agree that it is a residential district and the sixth least preferred location. Two, they start the search with a target area, the goal for this is to cover the area immediately surrounding and down to candlewood lake. She said they would accept suggestions for other locations. Mr. Keller asked about the water tank, she said it has been previously considered but it has not worked out. He then asked if they had checked out any sites in Brookfield. She said T-Mobile has several in Brookfield. Mr. Urice said there is considerable overlay with this proposed location and suggested they should consider an area to the north-northeast. Mrs. Emminger asked why not look at Federal Rd. Ms. Gaudet said Federal Rd. is the other side of ridge. She again said if anyone has knowledge of a property that might be available, they should let her know. Mr. Keller asked if it would be their responsibility to search for other sites instead of the City suggesting them. She said she would pursue this with the RF engineer. Regarding the third comment, it could be a capacity issue. If T-Mobile was the only carrier, a 110 foot height would be adequate. Regarding comment four, the fall zone per the Siting Council is one time and neither is met within this property line. They have a yield point designed into tower. Mr. Keller asked about liability for the residents. Ms. Gaudet said she has no experience with this so she cannot answer, but would assume it would take the form of a civil action. Five, there is space within for other carriers, they have enough for a total of five but do not expect to use them all. Regarding six, they do not design the foundation, until site is officially decided, but they do not expect to have to blast. She added that she has not heard of any tower development causing any damage to wells or area. Mr. Urice said since they do not know what the sub-surface is, how deep do they normally go for the foundation. She said there are two types usually used but she does not have the technical knowledge to discuss this. Occasionally in ledge anchors are used. She said since the ultimate decision on this site really will be made by the Siting Council, some of this is not relevant to these purposes. Mrs. Emminger said it is within the purview of this Commission to consider environmental concerns. She added that when she was at the site today, the engineer from VHB showed her how close this site is to the church foundation and there is a concern for possible impact on that. Mr. Keller said they are trying to create a record here of the City's and the resident's concerns to provide to the Siting Council. Ms. Gaudet said once a property owner contracts with them, they take responsibility for whatever happens. Attorney Edwards then explained that Optasite is in a sixty day pre-application period and they need to create a record here before submitting to the Siting Council. Ms. Gaudet then returned to her response to the Planning Department Staff Report.

Regarding number eight, the report expressed concern that there might be City easements on this site; they will verify this before anything is done. Nine asks about amount of clearing. The Staff Report suggests additional screening along the rear of the site and the property lines. She said they are more than happy to accept suggestion as this is a common request. Mr. Keller asked what the security is around this tower, could someone get in and vandalize it. Ms. Gaudet said the typical is an eight foot chain link with three lines of barbed wire on top, but that is usually not acceptable in the residential area. The Staff Report had asked for a stockade fence and if the City suggests stockade they would incorporate that into their plans. Ten, regarding noise and light, she said the noise is comparable to a residential a/c compressor. Mrs. Emminger said the Commission might want to recommend a decibel study and also suggested insulating the shelters. She said they do have FAA approval for tower without lights. Eleven, the maintenance is managed by a remote system with regularly scheduled service calls. The technicians drive a small SUV and the church has plenty of parking. Number twelve asks for additional information. She identified the sites saying the first one is in the Town of New Fairfield, the second is the radio station, next is on top of the signs at 78 Federal Rd., and the last one is the hospital. Thirteen asks about site restoration and equipment removal. She said they usually clear out their stuff once they stop using a site. Fourteen asks if they are aware of historic properties in the immediate vicinity. She said she was not aware of this but could use this information as they have to go to the State Historic Commission. Mrs. Emminger read a letter dated February 17, 2006 regarding the number of historic properties in the immediate vicinity. She then asked for clarification of the term "view shed" and Mrs. Emminger said it is on the map. Number fifteen asks for a radius map. She said regarding the stealth disguise – it might be difficult to fit in. She referenced the photos explaining the different types that they use. Mrs. Emminger said they would recommend that whatever the Siting Council chooses. They just hope it would blend in. Mr. Urice asked who is responsible for raising and lowering the flag on the flagpole shown in the photo. Ms. Gaudet said that is always an issue since a flagpole either has to be lit or be taken down and put up on a daily basis. Mr. Keller asked if the church had expressed a desire for a specific type of stealth disguise. He said anything that can be done to lower this proposed height. He pointed out that you can see Danbury Hospital from just about everywhere in the City. She said regarding the last comment in the planning report, they have already discussed it. Mr. Keller asked if they could schedule another balloon simulation. She said she would try to get them to do it again since they need to provide this info to the State. She said she would call Mrs. Emminger to notify her of it. KK asked if they know when VHB would do this and suggested that maybe the secretary could let the Commission members know. She added that on the day that the Siting Council holds their hearing in Danbury, the balloon will be flown again. Mr. Keller asked where that meeting would be held and would there be a public notice. She said the abutting property owners will receive direct notice, they will publish notice of it in the local newspaper two times in accordance with the State Statutes. She then said regarding the Health Department comments, the application for a Regulated Activity will be submitted to the Environmental Impact Commission but this may not be required since the State Statutes supersede the local ordinances. She said the only other comments were from the Airport Administrator and he is present, so she will address his comments after he speaks.

Mr. Keller asked if there was anyone to speak in opposition and several people came forward.

Paul Estefan, Airport Administrator for City of Danbury, said the FAA has made a no hazard determination for this request. That does not exempt them from getting permits. He spoke about the Lake and how it is utilized by so many different groups. He explained that he felt asking for an aeronautical light would definitely enhance the safety in this area of town. He pointed out that helicopters only fly just above tree tops and spoke about the LifeStar helicopter. He said in emergency situations, they can and do land wherever they want,

wherever they can. Mr. Keller asked about the requested light. Mr. Estefan said no blinking, just a red light would be preferable. Mr. Urice asked if a light would not be an aeronautical hazard. Mr. Estefan said it not meant to be distracting, it is to let the pilots know that something is there.

Angela Bayer, 8 Royal Rd., asked if there are enough customers to demand this additional service. Also in 20 years of towers, has anyone done any studies on the long range effects? Also if the other carriers are small scale, why can't they all merge and use one site.

Barry Blain, 18 Indian Spring Rd., said a light at the top of tower is just the icing on the cake. It is nice that they considered the proximity to the new house, but what about the existing houses that abut the church property. Mr. Urice pointed out that the new house is the only house within striking distance structurally. He asked the following questions: When was the last Greenfield tower erected in Danbury? Is there any other freestanding cell phone tower in Danbury? Is there a binding financial agreement between the Church and Optasite? Is this taxable income for the Church? Is there free space on existing towers? Mr. Keller said they did discuss that in regard to dead zones and the need for this location. Mr. Blain then said regarding the balloon on the site – can't we notify them by email or telephone? Can someone talk in detail about approval process and timing of it? Also, it seems as if the State is dictating when we can talk to this company. When will this Commission vote on this matter? Mr. Keller asked Attorney Edwards to answer that. Mr. Blain then asked when abutters will be notified and how do they define abutters? He added that they need to clarify this sixty day period. When will this happen? Are we talking weeks? months?? When will the recording of this meeting be available? Can they get copies of this technical report that they are referring to? The secretary explained that they do not have a color copier in City Hall so the neighbors might do better by getting it directly from Optasite. In closing, he said this is so high and the church needing money is not the greatest criteria for choosing this and he cannot believe that Optasite chose this location over all the others.

Sandra Navarra, 34 Corn Tassle Rd., said hers is an interior lot that backs up to the Church property. She requested that when the balloon is scheduled to go up, the City do a reverse 911 to let the neighbors know. She also said if southern Candlewood Lake is the target, why the western side has not been looked at. She said the FCI is higher than where they are.

Ruth Snodgrass, 10 Indian Spring Rd., said approximately one-third of her property backs up to the Church. She said she has lived there for 38 years and is opposed to this eyesore because it will have an unhealthy impact on area. She continued saying there are many young children in this area and there also are two schools and they really need to protect the children from radiation. She said she is also concerned for their property values, the depreciating bottom line is the needs of the residents over the needs of a cell tower. Why put people's lives in jeopardy?

Scott Cooney, 3 Monarch Rd., said he owns a real estate company and this will definitely have an impact on the real estate values. It is becoming a buyer driven market and people specifically request to not see houses near electrical lines and cell towers. This would be a consideration when people were looking to buy a house. He asked if Optasite has statistical data to make them feel better regarding the real estate values. This information must be available somewhere and he expressed concern that the Church does not know where their septic system is. He asked if the parishioners are fully aware of this proposal.

Gary Kurpiewski, 40 Hawley Rd., said his property abuts the site, mentioned that Churches usually have schools in them and the bottom line is money. If a church is tax exempt, why doesn't somebody look into what they will do with the money

Andrew Alpert, 83 Stadley Rough Rd., said he is across the street from the Church. He said most of the questions have already been asked but he wanted to make note of the fact that when he bought his property eight years ago, it was all wooded. He submitted a photo of that for the record (designated Exhibit b). He said this was taken from his dining room window, and if this tower is lit it will make his house worthless. He said he is also speaking for his neighbor at 81 Stadley Rough Rd. who could not be here tonight.

Carol Rizzo, 8 Indian Spring Rd., said she used to see woods but since the new house was built, she no longer does but that changed tonight when she looked out her window and she saw the balloon flying. She said she is really upset because she bought her house for the back yard view and all that was there was a church. Now she will have a utility tower there. She added that one of the nice things on Indian Spring Rd. is that all of the utilities are buried. She said that was a big attraction when she purchased her house. She said she is opposed for all of these reasons. She just put an addition on the back of her house with big windows and now she is going to be looking at a big tower with light on it. She asked if there is problem with the septic or well, who will pay for that. She asked how she could get a copy of the technical report. Mrs. Emminger suggested we will get the copies and those that want them can contact us. Ms. Rizzo then asked when the balloons will go back up.

Ms. Gaudet explained what the notice requirement is for them Mrs. Emminger said the telephone number for the Siting Council is (860) 827-2935 and the website is really easy to access if you go to ct-dot-gov. Mr. Keller asked if anyone else wanted to speak in opposition?

Michele Ruscoe, 17 Indian Spring Rd., said she has lived there her entire life. She said she knows all of this property and is concerned for the children in the area. She also asked if anyone is concerned for the wildlife.

Lorraine Seder, 224 Great Plain Rd., said she wrote a letter earlier today and would like to read it into the record. She then said the balloon should have been red and asked why there were two of them? Mrs. Emminger said the alternate site was the double balloon and closer to the church was the single balloon. Mrs. Emminger pointed out that the notice did say "weather permitting" Mrs. Seder then continued saying that Verizon and Cingular have great service out there so they must be transmitting from somewhere. She suggested they look into the water tower with smaller antennas or as a second site, the State highway garage on Rockwell Rd., both of them being away from the residential and nearer to the highway. She reminded the Commission that the Zoning Regulations do list all of the requirements that should be met. She said she is also a licensed realtor and this definitely will impact the property values. Her letter was designated Exhibit c.

Armen Stauffer, 69 Stadley Rough Rd., said she is located across from the two churches. She added that looking out her window she could see the balloons, so she definitely will be looking at a 130 ft. tower. It would be good if the neighborhood was better informed, she found out from her neighbors. She suggested a sign be posted on the church notifying them of this proposal.

Ben Moy, 9 Royal Rd., said everything has already been said and then submitted some photos he took of the balloon (labeled Exhibit d.). He said this is a health concern, and 10-20 years from now they don't want to end up a case study like the Love Canal people. His final statement was that it is time to put people before business.

Ms. Gaudet then explained the Siting Council process, saying the sixty day process began on January 31, 2006 and ended in March. She said she had met with Attorney Edwards and the Mayor and this process came about as a result of that meeting. She said Optasite wanted the City to have an opportunity to look at this before they file their application. She said they plan to file within the next month and the hearing date runs about three months after the application is made. They will hold a hearing in Danbury (possibly during the late summer/early fall), but prior to that they issue interrogatories and on the day of the hearing there is no direct testimony. The evening session is reserved for the public to make comments. After the hearing is closed, there is a thirty day period for additional information to be submitted. Mr. Keller asked when this Commission's comments need to be submitted. Attorney Edwards said all of this will be put into a report format and the Commission can make a recommendation at the next meeting.

Mr. Keller said as he was looking at the photo submitted as Exhibit b, he noticed a mini steeple on the church. He suggested that it might not be a bad idea to ask the church to extend steeple and locate the antenna in there.

Mr. Urice made a motion to close the public hearing. Mr. Blaszkas seconded the motion JU/PB motion to close review hearing. Unanimous.

At this point, 10:15 PM, Mr. Deeb left the meeting.

CONTINUATION OF PUBLIC HEARINGS:

First Nine Corporation – Application for five (5) lot subdivision (2.767 acres) in the RA-20 Zone and Request for Waiver to Portions of Chap. 4, Secs. B.11. & B.12. of the Subdivision Regulations – “Butler Ridge” – 36 Golden Hill Rd. & Ford Lane (#H11055 & #H11276) – Subdivision Code #05-11. Public hearing opened March 1, 2006 – first 35 days will be up 4/5/06. Extension granted to 5/10/06.

Attorney Paul Jaber said both Paul Fagan and Jeanne Williamson were present if the Commission had any questions. He referenced a handout they had submitted illustrating the choices for this proposed five lot subdivision. The *first* one is a standard subdivision with no waivers being requested, so it has five individual driveways. The *second* one is also has no waiver, but does require the Commission to approve the use of one driveway for four of the lots with the remaining fifth lot to be served by a driveway off of Ford Lane. The benefit to this is that it would only require one curb cut on Golden Hill. The *third* proposal requires a waiver for lot five to be serviced by same driveway as other four lots, meaning one curb cut servicing five lots. This one would create a mini neighborhood with the houses facing each other instead of road. Attorney Jaber then said there was a question about the speed limit which is 25 mph and then he reviewed the sight distances for all of the lots. Mr. Keller asked if they would be getting a report from the City Traffic Engineer. Mrs. Emminger explained that Mr. Mohammed had conveyed to her that the application did not warrant a written report. Doug DiVesta then addressed the Engineering comments and submitted a site utility plan showing one driveway. Mrs. Emminger said the Fire Marshal has approved the design for the turnaround. She added that many of the subdivisions that are pending will have common driveways. This is a good plan especially because it is flat and we certainly don't need additional curb cuts on Golden Hill. Mr. Urice said he feels the common drive is the best plan for this site. Mr. Keller and Mr. Blaszkas said they too agree that this should have one common driveway for the five lots. There was no further discussion.

Mr. Keller asked if there was anyone to speak in opposition to this and there was no one.

At 11:00 PM, Mr. Blaszkowski made a motion to adjourn. Mr. Urice seconded the motion.